REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1-11 are pending in the present application, all of which stand currently rejected.

35 U.S.C. §112:

The Examiner rejected Claims 1-7 and 9-11 under 35 U.S.C. §112, regarding enablement. The Examiner mentioned the phrase "a handle affixed to the inner shaft." Specifically, the Examiner stated that this limitation is "not defined in the specification and drawing[s]." However, one of many possible embodiments of a particular type of "a handle affixed to the inner shaft" is shown in Figures 2-5 of the original application. In particular, a handle is depicted which includes a "first and second main body housing 12 and 14". The application also discloses an inner shaft member 16, "an anchoring member 20," and a "proximal anchoring aperture 40 *adapted to capture a portion of the anchoring member 20.*" In addition, "[a]nchor aperture 40 *fixedly receives anchor 20, which is affixed* to the proximal end of *inner shaft member 16.*"

Accordingly, Applicants respectfully submit that the phrase "a handle affixed to the inner shaft" is supported by the original disclosure as filed.

35 U.S.C. §102:

The Examiner rejected Claims 1-11 under 35 U.S.C. §102(b) on the basis of Gunderson (U.S. 5,776,142). The Examiner stated that Gunderson shows:

> an inner shaft (40); an outer sheath (50); a medical device (labeled in column 4, lines 29-35) is within the outer sheath (50); item 24 (Figures 1 and 2) is considered a handle, i.e. a handle is defined as a part that is designed to be held or operated with the hand that is affixed to the inner

> shaft (40) and coupled with the outer sheath (50); and wherein a first (20) and second (30) independently moveable actuator (column 4, lines 52-67 and column 5, lines 1-16) adjust the longitudinal positions of the inner shaft and the outer sheath. Furthermore, the first and second actuators provide a different amount of mechanical advantage (column 8, lines 36-60).

(Office Action, page 3)

Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the Claims. For example, Claim 1 includes the following limitations, among others:

> *a handle affixed to the inner shaft and operatively coupled with the outer sheath;*
>
> *a first and second independently moveable actuator for adjusting the relative longitudinal positions of the inner shaft and the outer sheath*, each of the first and second actuators providing a *different amount of mechanical advantage* between an input to one of the first and second actuators by a physician and a resulting relative longitudinal position of the inner shaft and the outer sheath respectively.

(Emphasis added.)

However, among other limitations, the cited references fail to teach or suggest the claimed invention, including "a handle affixed to the inner shaft" and "a first and second independently moveable actuator for adjusting the relative longitudinal positions of the inner shaft and outer sheath".

The Examiner states that the Gunderson reference shows a first (20) and second (30) independently moveable actuator to adjust the longitudinal positions of the inner shaft and outer sheath, and that item 24 "is considered a handle".

However, if item 24 (which Gunderson calls a "release wire actuator") is considered a handle, then it is not "affixed to the inner shaft" (item 40), as required by the claims of the present invention. The Gunderson reference specifically mentions that item 24 is movable:

> The actuator 24 is preferably mounted for movement along the longitudinal axis of the stent delivery device.

(Column 4, lines 54-56).

In other words, item 24 is moveable with respect to inner sheath 40. In contrast, the "handle 20 [as opposed to item 24] is preferably fixedly attached to the inner sheath 40" (Column 4, lines 57-58).

Accordingly, Applicants respectfully request the Examiner to allow the present invention.

Respectfully submitted,
Attorney for Applicants

By: _____
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Date: June 14, 2004

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Case Docket No.: CRD0959

In re application of Jon Buzzard, et al.

Serial No. 09/975,873

Filed: October 12, 2001

For: Handle Deployment Mechanism For Medical Device And Method

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith via fax is an amendment in the above-identified application.

☐ No additional fee is enclosed because this application was filed prior to October 25, 1965 (effective date of Public Law 89-83).
☐ No additional fee is required.
☐ One stamped, self-addressed postcard for the PTO Mail Room date stamp.
☒ Petition For Extension of Time and charge to Deposit Account of Appropriate Fee.

The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	11	minus	11		x $18	=$.00
INDEP. CLAIMS	3	minus	3		x $86	=$.00
MULT. DEP. CLAIMS	☐				$ 290	=
			TOTAL ADDITIONAL FEE FOR THIS AMENDMENT			=$.00

☒ Charge $110.00 to Deposit Account No. 10-0750/CRD0959/MWM. Three copies of this sheet are enclosed.

☒ Please charge any additional fees in connection with the filing of this communication, or credit overpayment, to Deposit Account No. 10-0750/CRD0959/MWM. Three copies of this sheet are enclosed.

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Date: June 14, 2004

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